

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION

LAURA WILLIAMS) Case No.:
)
 Plaintiff,)
) Hon.
 v.)
)
 PROFESSIONAL DEBT MEDIATION,) **Demand for Jury Trial**
 INC.,)
)
 Defendant.)

COMPLAINT AND JURY DEMAND

Plaintiff, LAURA WILLIAMS (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, PROFESSIONAL DEBT MEDIATION, INC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Count II of Plaintiff's Complaint is based on the Michigan Occupational Code, *Mich. Comp. Law 339.901 et seq.* (MOC).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*, "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred..."

PARTIES

6. Plaintiff is a natural person residing in Detroit, Wayne County, Michigan.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)* and *Mich. Comp. Law § 339.901(f)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)* and *Mich. Comp. Law § 339.901(a)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Mich. Comp. Law § 339.901(b)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Kalamazoo, Kalamazoo County, Michigan.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Beginning in or around January 2011, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged debt owed.
12. Defendant calls Plaintiff from 888-676-9872 at Plaintiff's place of employment.
13. Defendant calls Plaintiff's place of employment up to three times per day, every business day, Monday through Friday. Plaintiff has told Defendant to stop and that such calls are prohibited but Defendant continued to call.
14. Defendant also calls Plaintiff on her cell phone at 313-544-3252. Again, Plaintiff has asked Defendant to stop calling but Defendant continues calling.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(b) of the FDCPA by calling Plaintiff at work when Defendant knows such calls are prohibited.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- c. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's phone to repeatedly ring and repeatedly engage Plaintiff in conversation.

WHEREFORE, Plaintiff, LAURA WILLIAMS respectfully requests judgment be entered against Defendant, PROFESSIONAL DEBT MEDIATION, INC., for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
18. Any other relief that this Honorable Court deems appropriate.

COUNT II
DEFENDANT VIOLATED THE MICHIGAN OCCUPATIONAL CODE

19. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.
20. Defendant willfully violated the MOC based on the following:
 - a. Defendant violated §339.915(n) of the MOC by using a harassing, oppressive, or abusive method to collect a debt.

WHEREFORE, Plaintiff, LAURA WILLIAMS respectfully requests judgment be entered against Defendant, PROFESSIONAL DEBT MEDIATION, INC., for the following:

21. Statutory damages of \$150.00 pursuant to the Michigan Occupational Code, *Mich. Comp. Law § 339.916(2)*,

22. Costs and reasonable attorneys' fees pursuant to the Michigan Occupational Code, *Mich. Comp. Law* § 339.916(2), and
23. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, LAURA WILLIAMS demands a jury trial in this case.

DATED: April 25, 2011

RESPECTFULLY SUBMITTED,
KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN

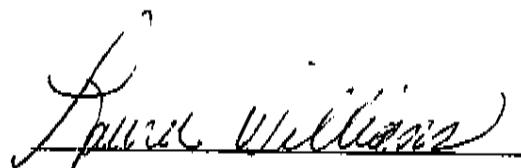
Plaintiff, LAURA WILLIAMS states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LAURA WILLIAMS hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-12-11

Date



LAURA WILLIAMS